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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/827,267

04/05/2001

Hisao Furukawa

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4340

36716

7590

03/16/2005

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EXAMINER

LEVITAN, DMITRY

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,267

Applicant(s)

FURUKAWA ET AL.

Examiner

Dmitry Levitan

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-360 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-360 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Amendment, filed 11/03/03 has been entered. Claims 1-360 remain pending.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, 14-16, 24, 157, 17-21, 23, 34, 35, 43, 44-47, 48, 49-54, 55, 56, 167, 61, 67, 68, 78-87, 88-90, 156, 166, 180, 279-284 are drawn to combined circuit switching and packet switching, classified in class 370, subclass 352.
 - II. Claims 9-11, 97-105, 155, 173, 12, 22, 106, 108-117, 142, 143, 268-278, 322-333 are drawn to multicasting, classified in class 370, subclass 390.
 - III. Claims 13, 36-42, 57-60, 62-66, 168, 169, 69, 73, 79, 70, 74, 71, 75, 72, 76, 121, 171, 122, 123, 131, 135, 136, 123, 172, 124, 126, 127, 130, 133, 134, 137, 138, 125, 183, 184, 139, 140, 141, 144, 149-154, 158-161, 175, 340, 341, 344, 366-368 are drawn to authenticating in a communication system, classified in class 380, subclass 258.
 - IV. Claims 24-28, 107, 162-165, are drawn to video distribution system with upstream communication, classified in class 725, subclass 105.
 - V. Claims 29, 33, 30-31, 336-339 are drawn to communication over free space, classified in class 370, subclass 310.
 - VI. Claim 96, is drawn to bridge or gateway between networks, classified in class 370, subclass 401.

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- VII. Claims 91-95, 170, 118-120, 181, 182, 178, 174, 176, 177, 185, 179, 320, 321, 362-365, 374-380 are drawn to converting between protocols, classified in class 370, subclass 466.
- VIII. Claims 145-148, 186, 192-242, 285, 187-191, 243-267, 318, 334, 335, 346, 347, 286-295, 299-317, 319, 342, 345-361, 369-373 are drawn to Inter exchange signaling with signaling path distinct from trunk, classified in class 379, subclass 230.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of groups I-VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as combining circuit switching and packet switching, which does not necessarily requires the particulars of groups II-VIII.

The invention of group II has separate utility such as multicasting, which does not necessarily requires the particulars of groups I and III-VIII.

The invention of group III has separate utility such as authentication in a communication system, which does not necessarily requires the particulars of groups I, II and IV-VIII.

The invention of group IV has separate utility such as video distribution, which does not necessarily requires the particulars of groups I-III and V-VIII.

The invention of group V has separate utility such as communication over free space, which does not necessarily requires the particulars of groups I-IV and VI-VIII.

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The invention of group VI has separate utility such as bridge or gateway between networks, which does not necessarily requires the particulars of groups I-V, VII, VIII.

The invention of group VII has separate utility such as converting between protocols, which does not necessarily requires the particulars of groups I-VI and VIII.

The invention of group VIII has separate utility such as Inter-exchange signaling with signaling path distinct from trunk, which does not necessarily requires the particulars of groups I-VII.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for any of Group I-VIII is not required for other Groups, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Alex Kraeyner on 03/07/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner
03/07/05.



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